

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOSEPH M. ALLEN,

10 Plaintiff,

11 v.

12 MARK MILLER, *et al.*,

13 Defendants.
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CASE NO. C17-1625-JCC

ORDER

15 This matter comes before the Court on Plaintiff's amended complaint (Dkt. No. 7) and
16 the Report and Recommendation (Dkt. No. 8) of the Honorable Mary Alice Theiler, United
17 States Magistrate Judge, for which no objections have been filed. Having thoroughly considered
18 the relevant record, the Court ORDERS as follows:

19 (1) The Report and Recommendation (Dkt. No. 9) is APPROVED and ADOPTED;

20 (2) Plaintiff's amended complaint (Dkt. No. 7) and this action are DISMISSED,
21 without prejudice, as to Defendants Pete Maxson, Louise Stemler, Scott Haukins, Correctional
22 Officer Wray, and Sherry Pendergrass for failure to adequately allege a claim upon which relief
23 may be granted in this civil rights action. *See* 28 U.S.C. § 1915(e)(2)(B)(ii);

24 (3) Judge Theiler is INSTRUCTED to issue a service order directing service of
25 Plaintiff's amended complaint on defendant Mark Miller; and
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1 (4) The Clerk is DIRECTED to send copies of this Order to Plaintiff and to the
2 Honorable Mary Alice Theiler.

3 DATED this 7th day of February 2018.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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